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17 Attorneys for Plaintiffs  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

22 ANDREW T. PIÑON, et al., On Behalf of ) No.  
23 Themselves and All Others Similarly Situated, ) C-07-0634-SBA  
24 vs. ) REVISED STIPULATION ORDER TO  
25 BANK OF AMERICA, N.A., et al., ) CONSOLIDATE RELATED ACTIONS  
26 Defendants. )  
27 \_\_\_\_\_)

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WHEREAS, on January 31, 2007, the Piñon plaintiffs<sup>1</sup> filed the first of these four similar actions against Bank of America, N.A., Bank of America Corp., Capital One Financial Corp., Chase Bank USA, N.A., JP Morgan Chase & Co., Citibank, N.A., Citigroup Inc, Washington Mutual, Inc., HSBC North American Holdings, Inc., HSBC Finance Corp., and Wells Fargo & Company (collectively, the “Defendants”), in the Northern District of California, alleging violations of the National Bank Act (12 U.S.C. §§85-86), the Sherman Act (15 U.S.C. §1), §17200 of the California Business and Professions Code, the California Consumers Legal Remedies Act, the Cartwright Act, and for breach of the covenant of good faith and fair dealing and unjust enrichment;

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WHEREAS, three additional class actions were filed in this District against the same Defendants alleging substantially the same facts and causes of action. On February 6, 2007, Celeste Brackley, represented by Scott & Scott LLP, filed Case No. C-07-0772-SBA against Bank of America, N.A., *et al.* (the “Brackley” action); on February 27, 2007, the Gonzales plaintiffs<sup>2</sup> represented by Hulett Harper Stewart LLP (“Hulett Harper”), filed Case No. C-07-1113-SBA against Bank of America, N.A., *et al.* (the “Gonzales” action); and on March 6, 2007, Marilyn Foster-Nemec, represented by Bushnell, Caplan, Fielding and Maier, LLP (“Bushnell Caplan”), filed Case No. C-07-1310-MMC against Wells Fargo & Company, *et al.* (the “Foster-Nemec” action.);

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WHEREAS, all four actions name Bank of America, N.A., Bank of America Corp., Capital One Financial Corp., Chase Bank USA, N.A., JP Morgan Chase & Company, Citibank, N.A., Citigroup Inc,<sup>3</sup> Washington Mutual, Inc., HSBC North America Holdings, Inc., HSBC Finance Corp., and Wells Fargo & Company as Defendants and are brought on behalf of all credit cardholders who have allegedly paid excessive late fees and/or over-limit fees during the Class Period;

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<sup>1</sup> Andrew T. Piñon, Betty Simm, Cathy Simm, Sara Prentiss-Shaw, Audree Halas, David Brotman and Gwen Martin (the “Piñon” plaintiffs) are plaintiffs in *Piñon v. Bank of America, N.A.* No. C-07-0634-SBA (N.D. Cal.) (the “Piñon” action).

<sup>2</sup> Aaron Gonzales, Jeremy Donovan and July Connors.

<sup>3</sup> At least one of the complaints names Citibank (South Dakota), N.A. as a defendant instead of Citibank, N.A.

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2        WHEREAS, the actions pending before this Court present virtually identical factual and  
3        legal issues, as each action alleges violations of the same statutory and common law and each  
4        action names the same Defendants;

5        WHEREAS, because these actions are all based on the same facts and involve the same  
6        subject matter, the same discovery will be relevant to all lawsuits;

7        WHEREAS, all parties to the actions agree that consolidation will further the interest of  
8        justice by promoting judicial economy and efficiency, and prevent duplicative discovery and the  
9        risk of inconsistent adjudication;

10      WHEREAS, this Court has already issued an Order on March 12, 2007 finding the  
11     Brackley action related to the Piñon action;

12      WHEREAS, Plaintiffs in the Piñon, Brackley, Gonzalez, and Foster-Nemec actions  
13     (collectively, the “Plaintiffs”) have informed Defendants of Plaintiffs’ intention to file a  
14     consolidated complaint (“Consolidated Complaint”) in this action by May 8, 2007;

15      WHEREAS, Defendants do not object to the filing of a consolidated complaint;

16      WHEREAS, the parties have agreed that, subject to the approval of the Court, the  
17     schedule set forth below should govern the initial proceedings in this case, unless otherwise  
18     ordered by the Court;

19      WHEREAS, this Court issued an Order in the Piñon action, dated March 21, 2007,  
20     setting an initial case management conference for May 30, 2007 in the Piñon and Brackley  
21     actions;

22      WHEREAS, the Court issued an order in the Gonzalez action, dated February 23, 2007,  
23     setting an initial case management conference for June 1, 2007;

24      WHEREAS, the Court issued an Order in the Foster-Nemec action, dated March 6, 2007,  
25     setting an initial case management conference for June 15, 2007; and

26      IT IS HEREBY STIPULATED AND AGREED, by all parties through their undersigned  
27     counsel, as follows:

1.        Each of the related actions shall be consolidated for all purposes (the  
“Consolidated Action”). This Order shall apply to the Consolidated Action and to each case that

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<sup>2</sup> relates to the same subject matter that is subsequently filed in this Court or is transferred to this  
<sup>2</sup> Court and is consolidated with the Consolidated Action.

2. Every pleading filed in this Action shall have the following caption:

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5 In re LATE FEE AND OVER-LIMIT FEE  
LITIGATION  
6 This Document Relates To:  
ALL ACTIONS.

x

: Civil Action No. C-07-0634-SBACCLASS  
: ACTION

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9       3. Plaintiffs' Consolidated Complaint shall be filed no later than May 8, 2007. The  
10 parties further stipulate that it is unnecessary for the Defendants to file any Answers to the  
11 complaints already filed in the Piñon, Brackley, Gonzales, and Foster-Nemec actions.

12       4. If Defendants elect to answer the Consolidated Complaint, their Answers shall be  
filed no later than July 13, 2007.

13       5. If Defendants elect to move in response to the Consolidated Complaint, their  
14 motion(s) shall be filed no later than July 13, 2007.

14           6. Plaintiffs shall file their response(s) to any motion(s) no later than September 14,  
15 2007.

15        7. Defendants shall file their reply papers in further support of any motion(s) no  
16 later than October 19, 2007.

8. The hearing on defendants' motion(s) in response to the Consolidated Complaint  
17 shall be on December 4, 2007 at 1:00 p.m.

18       9. The parties shall conduct a discovery planning conference under Federal Rule of Civil Procedure 26(f) at least 21 days before any Case Management Conference with the Court,

19 without prejudice to either party seeking further relief, including a stay of discovery, from the  
Court at the Case Management Conference.  
20 10. The Court shall conduct a telephonic Case Management Conference for the

20           10. The Court shall conduct a telephonic Case Management Conference for the  
21 Consolidated Action on June 12, 2007 at 2:30 p.m. Plaintiff will initiate the teleconference and  
22 have all parties on the line. All prior Case Management Conferences set forth in the Piñon,  
Brackley, Gonzalez, and Foster-Nemec actions are hereby vacated.

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2 DATED: April 26, 2007  
3 STIPULATED AND AGREED:

LERACH COUGHLIN STOIA GELLER  
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DATED: April 26, 2007

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6 DATED: April 26, 2007

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1

2 DATED: April 26, 2007

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DATED: April 26, 2007

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JULIA B. STRICKLAND

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17 DATED: April 26, 2007

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Attorneys for Defendants Wells Fargo &  
Company

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2 DATED: April 30, 2007

3 IT IS SO ORDERD.

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Hon. Saundra Brown Armstrong

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United States District Judge

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7 G:\Sbalc2\Jon\Relate Cases\07-0634 Pinon v Bank of America (Stip to Relate and set deadlines).DOC

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I hereby certify that on April 26, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 26, 2007.

s/CHRISTOPHER M. BURKE  
CHRISTOPHER M. BURKE

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